



Staff Report

PUBLIC HEARING TO CONSIDER AN ORDINANCE ESTABLISHING TIME LIMITS FOR COMPLETION OF CONSTRUCTION

Honorable Mayor and Council Members:

Summary

This matter was last before the City Council at the February 12, 2008 meeting as a discussion and direction item. At that meeting staff presented a draft ordinance that had been altered significantly from the original. Several options were offered for the Council's consideration. The draft ordinance before you represents the direction given staff at that meeting.

Background

The original draft ordinance presented to Council on January 8, 2008 was fashioned after construction time limit ordinances already in place in local communities. These ordinances establish a time limit and, in the event the project is not completed in the time allotted, impose daily penalties until a final inspection is passed. While the amount of the penalty varies from one jurisdiction to another, in all cases the fines could be significant if the project continued well past its deadline. This approach seems draconian for Belmont. While there is a consensus to establish time limits, the goal of the ordinance is not to punish owners, but to motivate them to complete their project and recover costs to the City associated with building permits that go on and on.

Discussion

Time Limits

Unchanged from the original draft ordinance is how time limits are established for construction projects requiring a building permit. Building permit applications require a statement of the value of the work by the applicant, which is approved by the building official. Based on that valuation a time limit is established. The table below outlines the schedule for the allotted time.

Table of Time Limits

Estimated Value of Construction	Construction Time Limit (months)*
\$0 to \$50,000	9 months
\$50,001 to \$100,000	12 months
\$100,001 to \$500,000	18 months
Greater than \$500,000	24 months

* For landscaping work required by the Planning Commission, the applicant shall have an additional 90 days after the date of final inspection approval of the building permit by the Building Division for the main construction project.

Construction Completion

Construction will be deemed complete upon the final performance of all construction work, including, but not necessarily limited to, exterior repairs and remodeling, total compliance with all conditions of application approval, and the clearing and cleaning of all construction-related materials and debris from the site. Final inspection and approval of the construction work by the City will mark the date of construction completion.

Failure to Complete

Rather than punish owners that fail to complete their projects (at times for reasons beyond their control), this draft ordinance offers a series of extensions to the allotted time. In order to defray the cost of inspection and administering an ongoing building permit, a fee is charged for each extension. The request for an extension must be made in writing 30 days prior to the expiration of the building permit. Before an extension is granted, an inspection by the Building Division is required to determine if any violations of the fire/health and safety codes exist.

The first extension is for a period of six months and the fee associated with that extension is \$1,000.00. Further extensions can be granted based on the following table:

Fees for Additional Extensions

Extensions	Fee
1st 60 day extension	\$1,000.00
2nd 60 day extension	\$1,500.00
3rd 60 day extension	\$2,000.00

There is no appeal process associated with this approach, as the fees relate to the ongoing and escalating cost to the City to monitor the permit; they are not considered penalties.

Application

The ordinance would go into effect 30 days after adoption (second reading). In order to capture current projects that are ongoing beyond a reasonable time period, the ordinance will also apply to any building permit issued after January 1, 2002, which has not been completed as of the adoption of the ordinance. Those projects would be subject to the same terms of the ordinance as new applicants.

Public Nuisance

In the event an owner fails to obtain an extension and allows a building permit to expire, pursuant to the Belmont Municipal Code, a public nuisance will exist and may be abated as provided by law.

Public Outreach

In the thirty days preceding the effective date of the ordinance, staff will:

1. Create an “Acknowledgement of Deadline” notice to be signed by the owner. The notice would advise the owner of the need to carefully select a contractor, make all design decisions to the extent possible, order all materials requiring lead time in a timely manner, and not to obtain the permit until construction is ready to start.
2. Contact all existing permit holders regarding the new time limit regulations.
3. Provide handouts at the Permit Center counter apprising applicants of the ordinance and offer guidelines on a successful project.
4. Create a notice on the City of Belmont web site.
5. Issue a press release.
6. Create a stamp that will note the deadline for completion on the plans.
7. For larger projects, the deadline will be a topic of the preconstruction meeting.

Review of Ordinance

One year after the implementation of the ordinance, staff will report to the City Council as to its effectiveness and general impact.

General Plan/Vision Statement

The establishment of a Construction Time Limits Ordinance furthers the City’s General Plan Goals as follows:

Goal 1015.2

“To preserve and enhance the attractive, family-oriented and tranquil quality of Belmont’s residential neighborhoods”.

Goal 1015.4

“To maintain and enhance the appearance of the City through controlling the location, timing, design and landscaping of new development and encouraging renovation of older areas.”

Fiscal Impact

The fiscal impact of adopting an ordinance limiting construction time periods will be staff’s involvement in education and communication of the requirements of the ordinance, monitoring time periods, collection of fees, and preparation of staff reports for hearings. The fee revenue has the potential to offset these costs.

Public Contact

This matter was placed on the agenda and posted as required by the California Government Code.

Recommendation

Staff recommends that Council adopts the proposed draft ordinance.

Alternatives

1. Direct staff to reintroduce the originally drafted ordinance.
2. Direct staff to take no action at this time.

Attachments

A. Draft ordinance

Respectfully submitted,

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